

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RYAN J. GAYLORD,

Petitioner,

v.

9:22-CV-0588  
(GTS/ATB)

JOSEPH E. COREY, Super. of Auburn Corr. Fac.,

Respondent.

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APPEARANCES:

RYAN J. GAYLORD, 18-B-2365

Petitioner, *Pro Se*

Clinton Correctional Facility

P.O. Box 2001

Dannemora, New York 12929

HON. LETITIA A. JAMES

Attorney General for the State of New York

Counsel for Respondent

28 Liberty Street

New York, New York 10005

PRISCILLA I. STEWARD, ESQ.

Assistant Attorney General

GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

Ryan J. Gaylord (“Petitioner”) filed his petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254 on June 6, 2022. (Dkt. No. 1.) By Report-Recommendation dated October 24, 2023, the Honorable Andrew T. Baxter, Chief United States Magistrate Judge, recommended Petitioner’s Petition be denied and dismissed, and that no certificate of appealability be issued. (Dkt. No. 14.) Petitioner has not filed an objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Baxter's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendant's motion to dismiss is granted, Petitioner's Petition is denied and dismissed, and no certificate of appealability shall be issued.

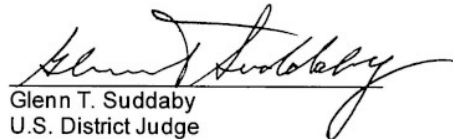
**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 14) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Petitioner's Petition for a Writ of *Habeas Corpus* (Dkt. No. 1) is **DENIED** and **DISMISSED**.

**The Court declines to issue a certificate of appealability.**

Dated: December 19, 2023  
Syracuse, New York

  
Glenn T. Suddaby  
U.S. District Judge

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).